

JPRS: 3328

27 May 1960

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- USSR -

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Following is a translation of an article by G. A. Osnitskaya in Sovetskoye Gosudarstvo i Pravo (Soviet State and Law), No. 2, Moscow, February 1960, pages 101-104.

In his speech made before the Fourteenth Session of the General Assembly of the United Nations, N. S. Khrushchev said that the Soviet government called upon the members of the United Nations to carry out general and complete disarmament. One of the consequences of putting this program into effect would be the destruction of all types of armaments, including atomic weapons -- the most frightful of all the means of mass annihilation known to mankind up to this time. This would be the best and most reliable method for making atomic war impossible.

The idea of general and complete disarmament of states was hailed by all progressive humanity. It was supported by all members of the United Nations Organization. For the first time in the history of the UN, representatives of all the states which are members of this organization declared their readiness to appear as co-authors of the draft of the resolution.

It is well known, however, that there are warlike circles in the capitalist world, that they dominate a number of countries, and that they will do everything to block carrying out the program for general and complete disarmament and even the partial measures for disarmament suggested by the Soviet government in case it was still difficult to fulfill the first task. Under these circumstances it is the task of all peace-loving states to unmask the opponents of the disarmament so passionately desired by all humanity, to do everything possible to facilitate disarmament, and in particular, to establish an atom-free zone in Central Europe, as stipulated in the Soviet offer in regard to partial measures for disarmament and promoting security. The neutral countries could play no small role in this respect.

In contemporary international law and relations between states, neutrality and neutral policies are of great significance as one of the forms of assisting peaceful coexistence, one of the forms of manifesting devotion to the cause of peace. A policy of neutrality is a decision to stay out of war consistently followed by this or that peace-loving state. Such a state does not participate in military blocs and groups, it does not offer its territory to be used as foreign military bases, in general it strives to establish friendly or at least peaceful

relations between all nations; in case of war between other nations the given state observes neutrality, that is, it does not participate in the war. Sweden's policy has been an example of this policy for a number of decades.

At present, when states exist in the world which have different social and economic systems, the policy of neutrality has become widespread. This has been facilitated especially by the formation of two groups of states which are of different character and which are opposed to each other: the states belonging to the aggressive blocs -- NATO, SEATO, SENTO, and others and the socialist states which have united with the purpose of ensuring their security on the basis of the defensive Warsaw Treaty. Not wishing to be drawn into war, some small nations of Europe, many countries of the Near and the Far East, Southeastern Asia, particularly those which have recently thrown off the colonial yoke, have seen a way to maintain their independence and ensuring peaceful conditions for developing their economies in carrying out a policy of neutrality. A policy of neutrality permits them to develop their relations with all other states on the basis of the principles of peaceful coexistence and to work actively for peace. It is this idea which is contained in the article by the premier of neutral Cambodia, Prince Norodom Sihanouk "Our Position on the Problem of Peaceful Coexistence" which was published in the newspaper Realite Cambodienne: "It is the opinion of almost all neutral nations that peoples who observe co-existence should not only permit the existence of others but should try to understand each other, render mutual assistance, and collaborate in the fields of economics, culture, the struggle against war, etc." (Note /Izvestiya, 20 August 1959).

Thus, a policy of neutrality is directed toward ensuring peaceful coexistence and peaceful coexistence, as N. S. Khrushchev pointed out: "...is the fundamental problem of these times." (Note /Pravda, 14 October 1959). It is well known that the principles of peaceful coexistence of states, irrespective of their differences and the relative levels and character of their political, economic, and social development, have received general recognition in the resolutions adopted at the Twelfth and the Thirteenth Sessions of the General Assembly of the United Nations of 14 December 1957 and 10 December 1958.

Permanently neutral states also follow a policy of neutrality in times of peace and in times of war. "Permanent neutrality is the legal status of a state which obligates it to refrain from war, except in self-defense, and to follow a policy of neutrality in peace time, that is, not to participate in military alliances and coalitions, not to conclude agreements which might involve the permanently neutral state in war, and to strengthen friendship with other countries." (Note /B. V. Ganyushkin, Sovremennyj neytralitet /Contemporary Neutrality/, Publishing House of the Institute of International Relations, Moscow, 1958, page 83). Permanent neutrality in principle is not restricted in respect to time and is not connected with any certain war; as a rule

it is fixed in international procedure. Switzerland (since 1815), and Austria (since 1955), and Cambodia, which proclaimed her permanent neutrality in the law of 6 November 1957, are examples of permanent neutrality at present. Permanent neutrality differs from neutrality during war time chiefly in that it is not restricted in respect to time and remains in force during all and every sort of war and during peace time.

It must be noted that the content of permanent neutrality and a policy of neutrality has not ceased to develop under contemporary conditions. In reality, the obligation to support friendly or at least peaceful relations with other nations is scarcely consistent with armament "to the teeth" and with the acceptance as armaments of new specially frightful types of weapons, particularly those which have been defined in international procedure as subject to exclusion from national armaments. Atomic weapons, which were condemned in principle in international procedure, are prime examples of such weapons. As the Soviet representative noted at the meeting of the General Assembly of the United Nations of 25 September 1948: "The need for prohibiting atomic weapons stems out of the very character of this type of weapon as a weapon of aggression, designed for aggression, for destruction of cities and mass annihilation of the peaceful population." Up to the present time, unfortunately, there has been no convention on prohibiting atomic and hydrogen bombs, there is not even any prohibition against testing nuclear weapons, a prohibition which the Soviet Union has been seeking and is seeking. However, the human mind works stubbornly to find some method for restricting and prohibiting atomic weapons whose use runs counter to the conscience of humanity.

Now a new concept has appeared -- "atomic neutrality". A state which has taken a position of "atomic neutrality" is obligated not to produce, maintain, receive for its own purposes, not to permit any of the possible types of nuclear weapons in its territories, also not to install or to permit in its territories devices and equipment for maintaining nuclear weapons, including devices for launching rockets. The use of atomic weapons against the territories of such states and against any objectives located in those territories would be forbidden.

All peace-loving forces favor the idea of "atomic neutrality" since the establishment of zones free of atomic weapons would be a real step in the direction of prevention of the horrors of atomic war. In a conversation with the West German publisher Sprenger and Tserer [Scherer ?], chief editor of the newspaper Die Welt, the head of the Soviet government emphasized the readiness of the Soviet Union "jointly with other powers to give reliable international guarantees to defend the "atomic neutrality" of participating states in a zone free of atomic weapons in order to exclude the probability of the use of such weapons in this zone." (Note/ Pravda, 8 February 1958).

"Atomic neutrality" should also enter into the content of permanent neutrality. For example, there is no doubt that one of the most important

prerequisites of the permanent neutrality of Austria is the fact that she has been prohibited from having, producing, or testing any type of atomic weapon, a prohibition which was established in Article 13 of the Treaty of Vienna of 14 May 1956 concerning an independent and democratic Austria.

Such formal propositions do not exist in regard to Switzerland and Cambodia, but the contradiction between atomic armaments and the spirit of permanent neutrality is obvious.

1. As previously pointed out, the institution of neutrality is based upon the idea of peace, the idea of collaboration with all states, and with the idea of humanism. The idea of humanism is expressed, in part, when neutral states carry out humanitarian activities in behalf of the wounded and sick in war time. Equipping their armies with atomic weapons on the part of neutral and, in particular, permanently neutral states does not accord in any way with those principles upon which permanent neutrality is based. Atomic armaments contradict the idea of peace because they potentially increase the danger of atomic war and the danger of its spread to a large number of states in case such a war does start. It contradicts the ideas of collaboration between states because it facilitates intensification of international tensions and intensifies feelings of distrust and suspicion in the interrelationships between states. Finally, equipping the armies of neutral states with atomic weapons contradicts the idea of humanism because atomic weapons are a means of mass annihilation of people and the use of these weapons is condemned by international law and public opinion throughout the entire world.

Attempts to justify equipping the armies of small states (the status of permanent neutrality implies small states) for defensive purposes is not very convincing. Atomic weapons cannot be used as preventive measures because this would mean the unleashing of atomic war, which is incompatible with contemporary international law and is incompatible with neutrality. The colossal destructive power of atomic weapons make it possible to assert that in case they are used by an aggressor against a state which has little territory, the latter could be destroyed before it could take retaliatory measures. Thus it is difficult to prove that equipping them with atomic weapons would lead to strengthening the security of small nations. The interests of national security would be served better by neutral states refusing atomic arms and by establishing a wide zone of peace, a zone free of atomic weapons.

Guarantees of the security of permanently neutral states are also embedded in the very international legal status of these states. The status of permanently neutral Switzerland has been recognized by more than 30 states, the neutrality of Austria by more than 50; the neutrality of Cambodia is not connected with any treaty or with international recognition, but other states which respect the sovereignty of Cambodia are obviously obligated to recognize her

neutrality, too. (Note⁷ Refer to V. N. Durdenevskiy, "Neutrality in a Collective Security System," Sovetskoye gosudarstvo i pravo /Soviet State and Law/, No 8, 1957, page 87; and B. V. Ganyushkin, Op. Cit., Sovremenyy neytralitet /Contemporary Neutrality/, page 126.)

International law requires that states respect the independence and the inviolability of the territory of permanently neutral states. The obligation to observe this norm is a restraining principle since it is well known that its violation would cause protests and the condemnation of public opinion throughout the world. (Note⁸ Refer, for example to N. S. Khrushchev's reply to R. Honda's question in Mezhdunarodnaya zhizn' /International Life/, No. 5, 1959, page 5.)

2. Atomic armaments can be obtained in two ways: by developing one's own atomic weapons or by obtaining them from other states. Since permanently neutral states are small nations which do not have at their disposal sufficient resources for developing their own atomic weapons, it is obvious that they will have to make use of the second way. The acquisition of such weapons would undoubtedly be tied in with definite conditions which would bind the permanently neutral state to the warlike bloc. This would inevitably force it into dependence upon the leading nations of the capitalist world and it would deprive it of the freedom of action essential for maintaining its neutrality. Consequently, this would be a departure from the policy required by the status of permanent neutrality.

3. The concept of contemporary neutrality implies that a neutral state follow a line of supporting and maintaining peace. A state declares its neutrality because it wishes to live in peace and the more actively it carries out and supports measures directed toward maintaining peace, the greater the guarantees of achieving this purpose.

In his United Nations radio speech, the head of the Soviet delegation to the Thirteenth Session of the General Assembly noted, in particular, that Austria as a neutral nation could not help but be specially interested in the fastest positive solution of the problem of disarmament. "If Austria, and the other neutral nations, were to speak out resolutely in the United Nations for immediate and unconditional cessation of testing of nuclear weapons she would undoubtedly be playing a positive role in achieving agreement on this problem." (Note⁹ Pravda, 29 October 1958.)

The idea that the concept of neutrality is indivisibly connected with the struggle of the neutral state against atomic armaments was clearly emphasized by the well-known Japanese jurist Yoshitoar Hirano in his article "Law in the Atomic Age." (Note¹⁰ See Law in the Service of Peace /English-language book/ June 1957, pages 5-11.)

In the section "Changes in the Concept of Neutrality" he wrote: "In the atomic age, however, neutralism plays a constructive and active role in world politics, as shown by India. Refusal to take part in any military bloc which has nuclear weapons is neutralism in the genuine sense at present. Thus, it becomes an instrument for reducing

international tensions. It not only opposes a state of war and the conduct of regular and recognized war, but it opposes nuclear armament and preparations for nuclear war. It is strong enough to persuade both camps to prohibit the use, production, storing, and testing of nuclear weapons and to urge the settlement of international disputes by negotiation." Hirano then concluded: "The historical development of the events of today, particularly in Asia, consequently consists in establishing new standards of international law and a new concept of neutrality which not only opposes war but also expresses a resolute refusal to permit nuclear weapons!"

It follows from the foregoing that a neutral state equipping its army with atomic weapons would contradict the very idea of neutrality under modern conditions and would not correspond to the role which neutral nations have been recognized to play in our times in the cause of struggling for peace, for disarmament, and for prohibiting atomic weapons.

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